

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NOEL NIEVES,	:	
	:	Civil Action No. 11-1173 (NLH)
Plaintiff,	:	
	:	
v.	:	MEMORANDUM AND ORDER
	:	
CAMDEN COUNTY CORRECTIONAL	:	
FACILITY, et al. ,	:	
	:	
Defendants.	:	CLOSED

IT APPEARING THAT:

1. On March 2, 2011, the Clerk of the Court received Plaintiff's "Prisoner Civil Rights Complaint" (docket entry no. 1), which included as an attachment an "Application to Proceed Without Prepayment of Fees and Affidavit." The application to proceed in forma pauperis ("IFP") was incomplete in that it failed to include a six-month account statement certified by the appropriate official of the facility at which he is incarcerated as required by 28 U.S.C. § 1915(a)(2).
2. In light of Plaintiff's failure to submit a complete IFP application or prepay the filing fee, this Court issued an Order, dated March 28, 2011 (docket entry no. 2), to administratively terminate the matter, but allowing Plaintiff leave to reopen if he submits a completed IFP application or pays the filing fee.
3. On May 6, 2011, the Clerk of the Court received Plaintiff's

second IFP application (docket entry no. 3). While this application does contain a six-month account statement, the statement is not certified by the signature of an Authorized Officer of the institution at which Plaintiff is incarcerated. Additionally, Plaintiff has used an outdated IFP form which states that the filing fee to be deducted is \$150.00. Currently, the filing fee for a civil matter is \$350.00. If at a later date Plaintiff is granted leave to proceed in forma pauperis in this action, the Court may enter an Order assessing the \$350 filing fee and directing that assessments be withdrawn from Plaintiff's prison account until the \$350 filing fee is paid. See 28 U.S.C. § 1915.

IT IS THEREFORE on this 24th day of May, 2011,

ORDERED that the Clerk shall reopen this matter by making a new and separate entry on the docket reading "CIVIL CASE REOPENED"; and it is further

ORDERED that Plaintiff's second Application to proceed in forma pauperis is DENIED; and it is further

ORDERED that the Clerk of the Court shall supply to Plaintiff a blank form Application, for use by a prisoner, to Proceed In Forma Pauperis in a Civil Rights Case; and it is further

ORDERED that the Clerk of the Court shall administratively

terminate this case, without filing the Complaint or assessing a filing fee; and it is further

ORDERED that if Plaintiff wishes to reopen this action, he shall so notify the Court, in writing addressed to the Clerk of the Court, Mitchell H. Cohen Building and U.S. Courthouse, Fourth and Cooper Streets, Camden, New Jersey, 08101, within 30 days of the date of entry of this Order; Plaintiff's writing shall include either (1) a complete in forma pauperis application, including an affidavit of indigence and six-month prison account statement, certified by the appropriate official of each prison at which the prisoner is or was confined, or (2) the \$350 filing fee; and it is further

ORDERED that the Clerk shall close the file on this matter by making a new and separate entry on the docket reading "CIVIL CASE CLOSED".

At Camden, New Jersey

/s/ Noel L. Hillman
Noel L. Hillman
United States District Judge